

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of)

U.S. Patent No. 5,088,108)
UDDENFELDT et al.)

Application No.: 08/136,760 ✓)

Filed: October 15, 1993 ✓)

For: CELLULAR DIGITAL MOBILE)
RADIO SYSTEM AND METHOD)
OF TRANSMITTING INFORMATION)
IN A DIGITAL CELLULAR)
MOBILE RADIO SYSTEM ✓)

Group Art Unit: ^{2732.}~~2603~~

Examiner: B. Safourek

SUBMISSION OF SUPPLEMENTAL DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is an executed Supplemental Declaration in Support of Reissue Application which is being filed subsequent to Applicants' Third Supplemental Amendment Pursuant to 37 C.F.R. § 1.116 which was filed on October 20, 1997.

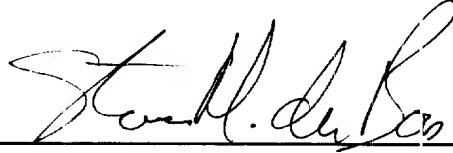
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Declaration
2-19-98
W. Little

Application No. 08/136,760
Attorney's Docket No. 027500-690

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____

Steven M. duBois

Registration No. 35,023

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: November 19, 1997

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SUPPLEMENTAL DECLARATION IN SUPPORT OF REISSUE APPLICATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This Declaration is supplemental to the Declarations filed on October 15, 1993, on February 8, 1996, October 30, 1996 and September 17, 1997.

We, Jan E. Uddenfeldt and Alex K. Raith, hereby supplementally declare as follows:

(1) We are citizens of Sweden, having a post office address of c/o Telefonaktiebolaget L M Ericsson, S-126 25, Stockholm, Sweden.

(2) We believe that we are the original, first inventors of the invention described and claimed in the United States Patent No. 5,088,108 and in the specification and the claims of the Reissue Application filed and proposed amendments made thereto.

Reissue Appln. of U.S. Patent 5,088,108

(3) We have reviewed and understand the contents of the specification and the claims of the Reissue Application and proposed amendments made thereto.

(4) We hereby claim the benefit of foreign priority under 35 U.S.C. § 119 with respect to Swedish Patent Application No. 8800698, filed on February 29, 1988.

(5) We acknowledge the duty to disclose information that we are aware of which is material to the examination of this Reissue Application in accordance with 37 C.F.R. § 1.56(a).

(6) We verily believe U.S. Patent No. 5,088,108 to be partially inoperative by reason of our having claimed less than we had the right to claim in said Letters Patent. The specific inoperability of the patent is discussed below in more detail relative to the newly added and amended claims which alter the scope of protection for the present invention.

(7) New claim 63 has been added. Claim 63 is similar to claim 62, however it is a method claim instead of a system claim. Thus, claim 63 does not have some of the structural features set forth in claim 62, for example, the specific recitations relating to transmitters and receivers. Claim 63 also includes a step of terminating transmission of the first signal from the first base station thereby handing off the call to the second base station, which is not recited in claim 62.

(8) By failing to present a claim of the scope of new claim 63 in the original application, Applicants claimed less than they had a right to claim. This error was recognized within the last two months, based upon a review of the currently pending claims in the reissue application. More specifically, Applicants' counsel recognized the

Reissue Appln. of U.S. Patent 5,088,108

relatively large preponderance of apparatus or system style claims as opposed to method claims. This error was apparently caused by failure of the individuals who prosecuted the application to appreciate the full scope of the invention.

(9) Each of the foregoing errors arose without any deceptive intention on the part of the undersigned.

(10) The undersigned declare further that all statements made herein are of our own knowledge and are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE: _____

DATE: Nov 6, 97

Jan E. Uddenfeldt

Alex K. Raith
Alex K. Raith

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DATE: Nov 17, 1997



Jan E. Uddenfeldt

DATE: _____

Alex K. Raith